

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 31 MAR 2005

PCT
10/530072

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To:

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GRANDE BRETAGNE

Date of mailing
(day/month/year)

10.01.2005

Applicant's or agent's file reference
P32431ANBWNGO

IMPORTANT NOTIFICATION

International application No.
PCT/IB 03/04606

International filing date (day/month/year)
01.10.2003

Priority date (day/month/year)
01.10.2002

Applicant
FIT SMART BUILDING COMPONENTS LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P32431ANBWNGO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/04606	International filing date (<i>day/month/year</i>) 01.10.2003	Priority date (<i>day/month/year</i>) 01.10.2002
International Patent Classification (IPC) or both national classification and IPC E04B2/30		
Applicant FIT SMART BUILDING COMPONENTS LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14.04.2004	Date of completion of this report 10.01.2005
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 </div> </div>	Authorized Officer Rosborough, J Telephone No. +49 89 2399-2818



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/04606

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-20 as originally filed

Claims, Numbers

6-20 as originally filed

1-5 received on 14.12.2004 with letter of 10.12.2004

Drawings, Sheets

1/15-15/15 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/04606

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-6,9-13,16-18,20
Inventive step (IS)	Yes: Claims	7,8
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

- D1: US-A-510 720
- D2: FR-A-1 548 556
- D3: US-A-4 435 936
- D4: US-A-4 443 991
- D5: US-A-2 213 355.

5.1 Independent Claim 1.

The present application does not meet the requirements of Article 33(2) PCT.

Document D1 discloses the features of claim 1 as follows:

- a structural rib (fig.5) adapted to support insulation for a wall construction assembly, comprising a stiffening web (20) and first and second flanges (13) at each end of the web, the first and second flanges being attachable to respective wall panels (10,16), the structural rib further comprising a supporting fin (14) extending from the web portion in a substantially lateral direction thereto.

Remarks:

The insulation referred to in claim 1 does not form part of the claimed subject-matter (cf. PCT Guidelines 5.37).

The constructive features of the claimed rib which are required such that it is "adapted to support insulation" (claim 1, line 3) are not clear. Insofar as said features are not defined, they can not be considered as differentiating the subject-matter of claim 1 from D1.

Document D2,D3 or D4 also discloses the feature combination of claim 1. In this regard it is noted that the expression "for a wall construction ..." (claim 1, line 4) must be construed merely as meaning apparatus suitable for a wall construction (cf. PCT Guidelines 5.23). As the ribs disclosed in each of the said documents have an inherent stability, they fulfil this requirement.

5.2 Dependent Claims 2-6 and 9-11.

Dependent claims 2-6 and 9-11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty and inventive step (Article 33(2),(3) PCT), the reasons being as follows:

Claims 2-6.

The additional features of each of claims 2-6 are also disclosed by document D1.

Claims 9 and 10.

The additional features of each of claims 9 and 10 are also disclosed by document D2.

Claim 11.

The additional features of claim 11 are also disclosed by document D3.

5.3 Dependent Claims 7 and 8.

The subject-matter of claim 7 or 8 is neither disclosed nor rendered obvious by the disclosures of the available prior art documents.

In particular, the skilled person receives no hint from the documents at hand for the provision of a slot at the free end of a fin.

The subject-matter of said claims therefore conforms to the requirements of Articles 33(2) and (3) PCT.

5.4 Independent Claim 12.

The present application does not meet the requirements of Article 33(2) PCT.

Document D1 discloses the features of claim 12 as follows:

- a wall construction assembly, comprising a plurality of spaced structural components, each structural component comprising an elongate web (20), first and second mounting flanges (13) at each end of the web, and one or more pairs of opposed first and second

supporting fins (14) extending from the web in a substantially lateral direction thereto, the assembly further comprising at least one wall panel (10,16) connected to one of the first and second flanges and insulation (23) supported between adjacent structural ribs (components).

Document D3 (fig.3) also discloses the feature combination of claim 1.

5.5 Dependent Claims 13,16-18 and 20.

Dependent claims 2-11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty (Article 33(2) PCT), the reasons being as follows:

Claim 13.

The additional features of claim 13 are also disclosed by document D1 or D3.

Claims 16-18.

The additional features of each of claims 2-6 are also disclosed by document D3.

Claim 20.

The additional features of claim 20 are also disclosed by document D1.

6. Further Comments.

6.1 Clarity, Claims 5,6 and 18.

Claim 6 is unclear (Article 6, PCT), as it is attempted to define the structural rib (claims 5 and 6) or the wall construction (claim 18) in terms of the features of undefined "cladding accessories", and therefore not in terms of features of the claimed invention, contrary to Rule 6.3(a) PCT (see PCT Guidelines, 5.37).

6.2 Clarity, Claim 16.

The term "second wall panel" (lines 22,23) lacks an antecedent in any claim on which claim 16 depends, rendering claim 16 unclear (Article 6, PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB 03/04606

6.3 Claims in Two-Part Form.

The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.

6.4 Reference Signs in Claims.

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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1 Claims

2

3 1. A structural rib adapted to support insulation
4 for a wall construction assembly, comprising a
5 stiffening web and first and second flanges at each
6 end of the web, the first and second flanges being
7 attachable to respective wall panels, the structural
8 rib further comprising a supporting fin extending
9 from the web portion in a substantially lateral
10 direction thereto.

11

12 2. A structural rib as claimed in Claim 1 which
13 has a second mounting fin extending from the web in
14 a direction opposite to that of the first fin.

15

16 3. A structural rib as claimed in Claim 3 wherein
17 the first and second fins are co-planar and extend
18 from the web to form an angle of 90° with the web.

19

20 4. A structural rib as claimed in Claim 3 wherein
21 the structural component has a plurality of first
22 and second fins extending from the web, each pair of
23 first and second fins being co-planar and extending
24 from opposite sides of the portion.

25

26 5. A structural rib as claimed in any of Claims
27 2 to 4 wherein the free end of the first and/or
28 second fins is adapted for complementary engagement
29 with cladding accessories.

30